

Remarks:

In addition to the amendments made in the February 4, 2008 submission, new amendments have been made to the claims. Claim 25, the first pending independent claim, has been replaced with a new claim 48. The remaining claims are now amended to depend upon claim 48. Compared to claim 25 that it replaced, claim 48 contains the following amendment: the steps of the method are now recited as "adding a single-stranded control nucleic acid to said sample; amplifying a test nucleic acid in said sample in the presence of at least one single-stranded detection probe that reversibly binds to a binding region of said test nucleic acid and enables detection of said test nucleic acid; coamplifying said control nucleic acid together with said test nucleic acid..."

The new claim is fully supported by the specification, see p.2, lines 5-7, p. 3, lines 22-24 and p. 6, lines 6-8. Specifically adding the control nucleic acid prior to amplification is disclosed on p. 6, lines 6-8: "The control nucleic acid is advantageously added to the sample to be examined as soon as possible. It is, for example, expedient to add it already to the fresh sample taken from a patient (blood, urine or the like)."

No new matter is added to the claims by these amendments. Accordingly, entry of the amendments is respectfully requested.

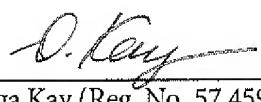
The amendments also do not conflict with the arguments regarding the prior art made in the February 4, 2008 submission. The prior art was cited on the issue of the type of control sequence used, not the time at which it is added to the sample. Therefore no change is made to the February 4, 2008 arguments and no additional arguments are necessary.

It is believed that no fees are due at this time. Nevertheless, the Commissioner is authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 50-0812.

If the Examiner believes that a telephone conference would expedite prosecution of this application, the examiner is invited to call the undersigned directly at 510-814-2706 (925-730-8567 after February 29, 2008).

Respectfully submitted,

Date: February 12, 2008

  
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